



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

January 28, 2004

Oscar Emerson, PLS, LSE
P.O. Box 147
Bradley, Maine 04411

RE: Request for Public Hearing - West Old Town Landfill Amendment
Application for Vertical Increase; DEP #S-020700-WD-N-A

Dear Mr. Emerson:

I write in response to your request for an adjudicatory hearing on the West Old Town Landfill amendment application. The standards in Department of Environmental Protection rules limit the application review to environmental issues, while the comments made at last Wednesday's public forum included broader issues, such as the contractor selection process and public involvement. Although your request for an adjudicatory hearing did not meet the DEP criteria for a hearing, I believe the broader issues raised warrant a second public forum. Accordingly, DEP, along with the State Planning Office, Department of Transportation, city leaders, and involved companies, will hold an additional public meeting in the next few weeks. We will provide details of this session shortly.

The Old Town facility is a licensed landfill and DEP's review in this case is limited to the amendment request before us. DEP's Chapter 2, Rules Concerning the Processing of Applications and Other Administrative Matters, requires public hearings when the Department determines there is "credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence". Your December 10, 2003 request does not present conflicting technical information.

Your letter refers to concerns that the traffic associated with the above application will travel on roads through residential communities, rather than on I-95. You suggest that there should be a consolidated effort for a change in the law that prohibits heavy trucks on I-95.

A change in the federal law on interstate weight limits may be appropriate and there is considerable effort on a number of fronts to obtain that change. However, the Department does not have the regulatory authority to require that the applicant use I-95 if the route(s) proposed by the applicant meets the regulatory criteria, which at this point appears to be the case for this project.

I encourage you to provide any comments on this application that you have related to the licensing criteria of the Solid Waste Management Regulations to Cyndi Darling, the Department's project manager for this project, as soon as possible.

Sincerely,

Dawn R. Gallagher
Commissioner